

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

Pacers Basketball, LLC,	)	
	)	
Petitioner/Movant,	)	
	)	
v.	)	CAUSE NO: 1:21-MC-4
	)	
adidas America, Inc.,	)	Related case: <i>Brian Bowen, II v. adidas</i>
	)	<i>America, Inc., et al.</i> , Case No. 3:18-cv-3118
Respondent.	)	JFA

**AFFIDAVIT OF CHAD BUCHANAN**

I, Chad Buchanan, affirm under penalty of perjury and state as follows:

1. I am the General Manager of the Indiana Pacers (“Pacers”), a professional basketball team in the National Basketball Association (“NBA”) owned and operated by Pacers Basketball, LLC (“PBLLC”), the Petitioner/Movant in the above-captioned matter and Non-Party Respondent to a subpoena issued from the United States District Court for the District of South Carolina, as Case No. 18-cv-3118-JFA (“Litigation”), by adidas America, Inc. (“Adidas”). I am authorized to make this affidavit on behalf of PBLLC. This Affidavit is made based upon my personal knowledge of the facts contained herein.
2. I have twenty-three (23) years of professional experience in collegiate, semi-professional, and professional basketball organizations.
3. In my current capacity as the General Manager, I am familiar with and oversee the overall basketball operations of the Pacers, which includes, but is not limited to, budgeting, general operations and administration of the basketball operations department, player scouting, player evaluations, player acquisition, employment of coaches and other basketball operations personnel, player data analytics, and recruitment processes.

4. PBLLC utilizes comprehensive processes and algorithms as part of its evaluation, scouting, and recruiting of players at the national and international level. In addition to investing a substantial amount of time and energy to develop our own processes and methods for scouting, recruiting, player evaluations, and data analytics that are unique to the Pacers' needs, PBLLC spends several million dollars, annually, on these elements, which includes the costs of using third-party vendors, in order for the Pacers to be a competitive team in the NBA. The success of these processes and methods are directly correlated to PBLLC's economic success, such as overall revenue, including ticket revenues, sponsorship revenues, broadcasting revenues, and merchandise sales.
5. As part of its scouting, player evaluations, and data analytics process, confidential data and information is gathered, created and maintained internally and with various third-party vendors, such as RealGM and Synergy. PBLLC works with these vendors to customize software solutions that address PBLLC's unique strategic needs, such as fine-tuning the professional opinions, categories, attributes, skillsets, types of rankings, and overall layout of its player evaluations and assessments. Thus, the data held, generated, and maintained internally and by third-party vendors is not publicly available information, as it is specific datasets that PBLLC elects to track and create based on its competitive objectives. Additionally, the customized services and the deliverables PBLLC requests are protected by confidentiality obligations in its vendor agreements.
6. PBLLC has worked with RealGM since 2005 and has lengthy relationships with other third-party vendors, thus, these vendors possess troves of current and historical assessments, evaluations, and other confidential proprietary information of PBLLC.
7. Player evaluations and assessments, as well as data analytics, are never shared outside of

the PBLLC organization. All of PBLLC's professional scouts and basketball operations executive personnel (e.g., President of Basketball Operations, General Manager, Assistant General Manager, etc.) with access to proprietary player assessments and evaluations are subject to non-disclosure and confidentiality agreements, which limits their ability to discuss proprietary information outside of the organization during and after employment with PBLLC.

8. Access to PBLLC's player evaluations and data analytics databases is limited to only those PBLLC employees that have a need to know the information for the performance of their jobs, and even within those jobs there are different levels of access. Access to a player's entire file is limited to only upper management in the basketball operations department with decision-making authority.
9. When an employee – no matter the role in PBLLC – expresses intent to leave the organization or interview with another NBA team, the employee's access to the player assessments and evaluations is either terminated immediately or limited.
10. PBLLC uses its player evaluations and assessments to make informed decisions regarding player compensation, and to assist in contract negotiations with current and prospective players.
11. Disclosing PBLLC's player evaluations and assessments would cause irreversible harm to PBLLC because other NBA teams would learn how PBLLC creates and maintains a competitive NBA team, and PBLLC would lose its competitive advantage if those methods were adopted by other NBA teams.
12. Further, PBLLC cannot disclose player evaluations and assessments specific to Bowen Jr., as it will inevitably disclose PBLLC's methods for evaluating players that are based on its

unique roster needs, financial constraints, and short and long term goals. Disclosure of this information would not only harm PBLLC's relationship with Bowen Jr., the disclosure of how PBLLC values and evaluates players could also be used against PBLLC in contract negotiations with other players and agents.

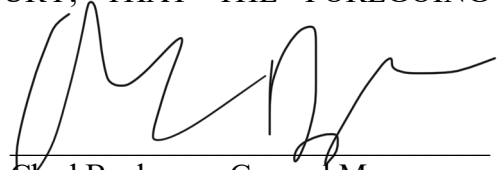
13. PBLLC's internal policies proscribe PBLLC or any of its employees from disclosing any confidential player information, which includes the disclosure of a player's contract and the terms therein.

**Verification**

I AFFIRM, UNDER PENALTIES OF PERJURY, THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

Date :

1/19/21

A handwritten signature in black ink, appearing to read 'Chad Buchanan', written over a horizontal line.

Chad Buchanan, General Manager  
Pacers Basketball, LLC  
125 S. Pennsylvania St.  
Indianapolis, Indiana 46204

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